

REMARKS

The Final Office Action mailed November 15, 2005, has been received and reviewed. Claims 1 through 25 and 27 through 33 are currently pending in the application. Claims 1 through 6, 9, 14 through 18, 21 and 33 stand rejected. Claims 7, 8, 10 through 13, 19, 20 and 22 through 25 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation. Claims 27 through 32 have been allowed. Applicant proposes to amend claims 1, 14, 30, and 33 and respectfully requests reconsideration of the application as proposed to be amended herein.

35 U.S.C. § 102 Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 5,212,910 to Breivogel et al.

Claims 1 through 3, 6, 9, 14, 15, 18, 21 and 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Breivogel et al. (U.S. Patent No. 5,212,910). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant reasserts the arguments set forth in response to the rejection based on Breivogel et al. at page 9 in the Amendment previously filed on May 7, 2005.

Additionally, Applicant asserts that independent claim 1 is not anticipated by Breivogel et al. because Breivogel et al. does not describe a CMP apparatus having “a deformable pad comprising a plurality of laterally isolated, deformable solid supports attached to the opposing surface of the polishing pad, at least one of the size of the solid supports, the shape of the solid supports, the density of the solid supports, the elasticity of the solid supports, the material composition of the solid supports, and the distribution of the solid supports on the opposing surface of the polishing pad varying in at least one direction parallel to the polishing surface of the polishing pad,” as recited in claim 1.

Applicant respectfully asserts that Breivogel et al. does not describe, teach, or suggest that any one of the size, shape, density, elasticity, distribution, and material composition of the tiles 25 provided on each pad described by Breivogel et al. varies across the respective pad. Therefore, Breivogel et al. cannot be considered to expressly or inherently identically describe a deformable pad as recited in claim 1, as proposed to be amended herein.

As Breivogel et al. does not describe a CMP apparatus as recited in independent claim 1 as proposed to be amended herein, Applicant asserts that claim 1 is not anticipated by Breivogel et al. and respectfully requests that the Examiner withdraw the rejection of independent claim 1 under 35 U.S.C. § 102(b).

Applicant additionally asserts that each of dependent claims 2, 3, 6, 9, and 33 are allowable at least because each depends directly from claim 1, which is allowable. Therefore, Applicant asserts that claims 2, 3, 6, 9, and 33 are not anticipated by Breivogel et al. and respectfully requests that the Examiner withdraw the rejection of dependent claims 2, 3, 6, 9, and 33 under 35 U.S.C. § 102(b).

In addition, dependent claim 6 is not anticipated by Breivogel et al. under 35 U.S.C. § 102 because Breivogel et al. fails to identically describe the element of the invention calling for at least one of a ventral layer and a dorsal layer integrally formed with the plurality of solid supports.

Furthermore, dependent claim 9 is not anticipated by Breivogel et al. under 35 U.S.C. § 102 because, in the context of claim 9 as read in conjunction with independent claim 1, Breivogel et al. does not identically describe the element of the invention calling for a plurality of solid supports comprising one or more elastically deformable materials.

Claim 14 has been amended in a manner similar to the amendments to independent claim 1, and is allowable for the same reasons. In other words, Breivogel et al. fails to describe, *inter alia*, providing a deformable pad having “a deformable pad comprising a plurality of laterally isolated, deformable solid supports attached to the opposing surface of the polishing pad, at least one of the size of the solid supports, the shape of the solid supports, the density of the solid supports, the elasticity of the solid supports, the material composition of the solid supports, and the distribution of the solid supports on the opposing surface of the polishing pad varying in at

least one direction parallel to the polishing surface of the polishing pad,” as recited in claim 14 as proposed to be amended herein.

As Breivogel et al. does not describe a method for chemical mechanical polishing as recited in independent claim 14 as proposed to be amended herein, Applicant asserts that claim 14 is not anticipated by Breivogel et al. and respectfully requests that the Examiner withdraw the rejection of independent claim 14 under 35 U.S.C. § 102(b).

Applicant additionally asserts that each of dependent claims 15, 18, and 21 are allowable at least because each depends directly from claim 14, which is allowable. Therefore, Applicant asserts that claims 15, 18, and 21 are not anticipated by Breivogel et al. and respectfully requests that the Examiner withdraw the rejection of dependent claims 15, 18, and 21 under 35 U.S.C. § 102(b).

Moreover, dependent claim 18 is not anticipated by Breivogel et al. under 35 U.S.C. § 102 because Breivogel et al. fails to identically describe the element of the invention calling for integrally forming the plurality of solid supports with at least one of a ventral layer and a dorsal layer.

Anticipation Rejection Based on U.S. Patent No. 6,561,891 B2 to Eppert, Jr. et al.

Claims 1, 3 through 6, 9, 14 through 18, 21 and 33 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Eppert, Jr. et al. (U.S. Patent No. 6,561,891 B2). Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant asserts that independent claim 1 is not anticipated by Eppert, Jr. et al. because Eppert, Jr. et al. does not describe a CMP apparatus having “a deformable pad comprising a plurality of laterally isolated, deformable solid supports attached to the opposing surface of the polishing pad, at least one of the size of the solid supports, the shape of the solid supports, the density of the solid supports, the elasticity of the solid supports, the material composition of the solid supports, and the distribution of the solid supports on the opposing surface of the polishing pad varying in at least one direction parallel to the polishing surface of the polishing pad,” as recited in claim 1.

Applicant respectfully asserts that Eppert, Jr. et al. does not describe, teach, or suggest

that any one of the size, shape, density, elasticity, distribution, and material composition of the supports of the grooved semi rigid base material 3 of the polishing pad 1 varies across the polishing pad 1. Therefore, Eppert, Jr. et al. cannot be considered to expressly or inherently identically describe a deformable pad as recited in claim 1, as proposed to be amended herein.

As Eppert, Jr. et al. does not describe a CMP apparatus as recited in independent claim 1 as proposed to be amended herein, Applicant asserts that claim 1 is not anticipated by Eppert, Jr. et al. and respectfully requests that the Examiner withdraw the rejection of independent claim 1 under 35 U.S.C. § 102(a).

Applicant additionally asserts that each of dependent claims 3 through 6, 9, and 33 are allowable at least because each depends either directly or indirectly from claim 1, which is allowable. Therefore, Applicant asserts that claims 3 through 6, 9, and 33 are not anticipated by Eppert, Jr. et al. and respectfully requests that the Examiner withdraw the rejection of dependent claims 3 through 6, 9, and 33 under 35 U.S.C. § 102(a).

Claim 14 has been amended in a manner similar to the amendments to independent claim 1, and is allowable for the same reasons. In other words, Eppert, Jr. et al. fails to describe, *inter alia*, providing a deformable pad having “a deformable pad comprising a plurality of laterally isolated, deformable solid supports attached to the opposing surface of the polishing pad, at least one of the size of the solid supports, the shape of the solid supports, the density of the solid supports, the elasticity of the solid supports, the material composition of the solid supports, and the distribution of the solid supports on the opposing surface of the polishing pad varying in at least one direction parallel to the polishing surface of the polishing pad,” as recited in claim 14 as proposed to be amended herein.

As Eppert, Jr. et al. does not describe a method for chemical mechanical polishing as recited in independent claim 14 as proposed to be amended herein, Applicant asserts that claim 14 is not anticipated by Eppert, Jr. et al. and respectfully requests that the Examiner withdraw the rejection of independent claim 14 under 35 U.S.C. § 102(a).

Applicant additionally asserts that each of dependent claims 15 through 18 and 21 are allowable at least because each depends either directly or indirectly from claim 14, which is allowable. Therefore, Applicant asserts that claims 15 through 18 and 21 are not anticipated by

Eppert, Jr. et al. and respectfully requests that the Examiner withdraw the rejection of dependent claims 15 through 18 and 21 under 35 U.S.C. § 102(a).

Anticipation Rejection Based on U.S. Patent No. 6,217,426 B1 to Tolles et al.

Claims 1, 2, 9, 14, 21 and 33 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Tolles et al. (U.S. Patent No. 6,217,426 B1). Applicant respectfully traverses this rejection, as hereinafter set forth.

Applicant asserts that independent claim 1 is not anticipated by Tolles et al. because Tolles et al. does not describe a CMP apparatus having “a deformable pad comprising a plurality of laterally isolated, deformable solid supports attached to the opposing surface of the polishing pad, at least one of the size of the solid supports, the shape of the solid supports, the density of the solid supports, the elasticity of the solid supports, the material composition of the solid supports, and the distribution of the solid supports on the opposing surface of the polishing pad varying in at least one direction parallel to the polishing surface of the polishing pad,” as recited in claim 1.

Applicant respectfully asserts that Tolles et al. does not describe, teach, or suggest that any one of the size, shape, density, elasticity, distribution, and material composition of the protrusions 60, 110, 124 provided on the pads described therein varies across the respective pad. Therefore, Tolles et al. cannot be considered to expressly or inherently identically describe a deformable pad as recited in claim 1, as proposed to be amended herein.

As Tolles et al. does not describe a CMP apparatus as recited in independent claim 1 as proposed to be amended herein, Applicant asserts that claim 1 is not anticipated by Tolles et al. and respectfully requests that the Examiner withdraw the rejection of independent claim 1 under 35 U.S.C. § 102(a).

Applicant additionally asserts that each of dependent claims 2, 9, and 33 are allowable at least because each depends directly from claim 1, which is allowable. Therefore, Applicant asserts that claims 2, 9, and 33 are not anticipated by Tolles et al. and respectfully requests that the Examiner withdraw the rejection of dependent claims 2, 9, and 33 under 35 U.S.C. § 102(a).

Claim 14 has been amended in a manner similar to the amendments to independent claim

1, and is allowable for the same reasons. In other words, Tolles et al. fails to describe, *inter alia*, providing a deformable pad having “a deformable pad comprising a plurality of laterally isolated, deformable solid supports attached to the opposing surface of the polishing pad, at least one of the size of the solid supports, the shape of the solid supports, the density of the solid supports, the elasticity of the solid supports, the material composition of the solid supports, and the distribution of the solid supports on the opposing surface of the polishing pad varying in at least one direction parallel to the polishing surface of the polishing pad,” as recited in claim 14 as proposed to be amended herein.

As Tolles et al. does not describe a method for chemical mechanical polishing as recited in independent claim 14 as proposed to be amended herein, Applicant asserts that claim 14 is not anticipated by Tolles et al. and respectfully requests that the Examiner withdraw the rejection of independent claim 14 under 35 U.S.C. § 102(a).

Applicant additionally asserts that dependent claim 21 is allowable at least because claim 21 depends directly from claim 14, which is allowable. Therefore, Applicant asserts that claim 21 is not anticipated by Tolles et al. and respectfully requests that the Examiner withdraw the rejection of dependent claim 21 under 35 U.S.C. § 102(a).

Objections to Claims/Allowable Subject Matter

Claims 7, 8, 10 through 13, 19, 20, and 22 through 25 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Applicant notes the indication of allowable subject matter with appreciation. Applicant respectfully submits that claims 7, 8, 10 through 13, 19, 20, and 22 through 25 are allowable in their present form for the reasons stated above with respect to the claims from which each respectively depends.

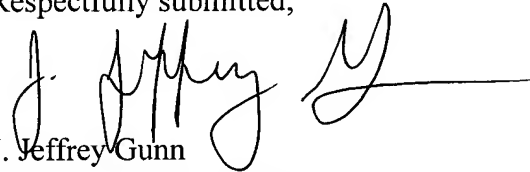
ENTRY OF AMENDMENTS

The proposed amendments to claims 1, 14, 30, and 33 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

CONCLUSION

Claims 1 through 25 and 27 through 33 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



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